

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN H. PIERCE,

Plaintiff,

v.

Case No. 10-10511

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his October 6, 2010 report, the magistrate judge recommends that this court grant both Defendant's motion to dismiss and Plaintiff's motion to dismiss, and that the case be dismissed with prejudice.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹ Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and adopts the same for purposes of this order. Accordingly,

IT IS ORDERED that the magistrate judge's October 6, 2010, "Report and Recommendation" [Dkt. # 14] is ADOPTED IN FULL AND INCORPORATED BY REFERENCE.

¹The failure to object releases the court from its duty to independently review the report and recommendation. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Any objection was due within fourteen days of service, Fed. R. Civ. P. 72(b)(2). No objection has been filed as of the date of this order.

IT IS FURTHER ORDERED that, for the reasons set forth in the magistrate judge's Report and Recommendation, Defendant's "Motion to Dismiss" [Dkt. # 8] is GRANTED, and the case is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that, for the reasons set forth in the magistrate judge's Report and Recommendation, Plaintiff's "Motion to Dismiss" [Dkt. # 13] is GRANTED, and the case is DISMISSED WITH PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 29, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522